IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7836 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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SHETH DEVCHAND LAXMICHAND

Versus

GOVIND DEVJI PATEL

Appearance:

1. Special Civil Application No. 7836 of 2001

NANAVATI ASSOCIATES for Petitioner No. 1-2

MR MUKESH H RATHOD for Respondent No. 1-4

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 17/04/2002

ORAL JUDGEMENT

By this petition under Article 226 and 227 of the Constitution the petitioner has challenged the order, dated 28.8.2001 below the application Ex.5 of the Labour Court, Junagadh in I.D Complaint No.13/2001 to 16/2001, directing the petitioner not to change the conditions of service of the respondents during the pendency of the application.

2. Admittedly the application of the respondents was filed in the Labour Court under the provisions of Section 33A of the Industrial Disputes Act, 1947. It is stated

on oath by the petitioner and not denied by the respondents that at the time of filing of the aforesaid application, no reference was pending before the Labour Court. It is also nowhere stated in the impugned order that any reference regarding any demand was pending before the Labour Court in which the aforesaid applications under Section 33A could have been filed. Therefore, it is amply clear that the Labour Court had no jurisdiction and no occasion to entertain an application for interim relief in the so-called I.D Complaints. The Labour Court is not a Court of general jurisdiction and it is constituted under the specific provisions of the Industrial Disputes Act for the purpose of taking up adjudication of the matters which are referred to it, and performing such other functions as may be assigned to it under the said Act.

Learned Counsel for the respondents could not point out any factor which could have remotely conferred any jurisdiction upon the Labour Court for entertaining the applications of the nature which were being entertained by the Labour Court in the facts of the present case. Accordingly, the impugned order is liable to be set aside. The petition is therefore allowed and the impugned order of the Labour Court at Annexure "A" is hereby set aside. Rule is made absolute with no order as to costs.

(D.H.Waghela, J.)

*/Mohandas